Attorney Docket No.

## MERCHANT & GOULD P.C.

## **United States Patent Application**

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

# MEDICAL DATA WARNING NOTIFYING SYSTEM AND METHOD

a. $\square$ is attached hereto					
	as application serial no.	and was am	ended on	(if applicable) (in t	the cas
of a PCT-filed application) describ	ped and claimed in international	no. PCT/JP2003/00889	90 filed on Ju	uly 14, 2003 and as amended	on
	I have reviewed and for which I				
I hereby state that I have reviewed		he above-identified sp	ecification, i	ncluding the claims, as amend	led by
any amendment referred to above.				•	
I hereby claim foreign priority ben certificate listed below and have al that of the application on the basis a.   no such applications have be b.   such applications have been	so identified below any foreign a of which priority is claimed:				
o.   Such applications have been	ined as follows.		•		
FOR	EIGN APPLICATION(S), IF ANY, CI	LAIMING PRIORITY UN	DER 35 USC §	119	
COUNTRY	APPLICATION NUMBER	DATE OF FILING		DATE OF ISSUE	
		(day, month, year)		(day, month, year)	
Japan	2002-205871	15 July 2002			
	IGN APPLICATION(S), IF ANY, FIL		RITY APPLIC	ATION(S)	
COUNTRY	APPLICATION NUMBER	DATE OF FILING		DATE OF ISSUE	
		(day, month, year)		(day, month, year)	
I hereby claim the benefit under Ti below and, insofar as the subject m manner provided by the first parage defined in Title 37, Code of Federa or PCT international filing date of	natter of each of the claims of this raph of Title 35, United States Coll Regulations, § 1.56(a) which on	s application is not dis ode, § 112, I acknowle	closed in the edge the duty	prior United States applicatio to disclose material informat	n in th ion as
U.S. APPLICATION NUMBER	DATE OF FILING (d	DATE OF FILING (day, month, year)		STATUS (patented, pending, abandoned)	
I hereby claim the benefit under Ti	tle 35, United States Code § 119(			application(s) listed below:	
L					

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

#### § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

All, M. Jeffer Reg. No. 46,359 Allera, Allan G. Reg. No. 40,274 Anderson, Gregg I. Reg. No. 28,228 Batzil, Brian H. Reg. No. 23,260 Beard, John L. Reg. No. 23,260 Beard, John L. Reg. No. 27,612 Beard, John L. Reg. No. 32,560 Beard, John L. Reg. No. 50,881 Blackburn, Murrell W. Reg. No. 50,881 Blackburn, Murrell W. Reg. No. 50,881 Blackburn, Murrell W. Reg. No. 50,881 Brackburn, Murrell W. Reg. No. 51,488 McIntyre, Jr., William F. Reg. No. 40,204 Brackburn, Murrell W. Reg. No. 41,633 Rortolotti, Rebecca Reg. No. 51,488 McIntyre, Jr., William F. Reg. No. 43,204 Rortolotti, Rebecca Reg. No. 41,633 Rortolotti, Rebecca Reg. No. 41,633 Rortolotti, Rebecca Reg. No. 41,633 Rortolotti, Rebecca Reg. No. 34,130 Rortolotti, Rebecca Reg. No. 34,130 Rortolotti, Reg. No. 34,597 Reg. No. 34,597 Reg. No. 34,594 Pauly, Daniel M. Reg. No. 30,247 Phillips, John B. Reg. No. 30,247 Phillips, John B. Reg. No. 34,594 Reg. No. 34,594 Reg. No. 34,994 Reg. No. 36,414 Reg. No. 36,414 Reg. No. 36,414 Rej. No. 36,414	Al: M. Toffen	Dec No. 46 250		
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

# Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	2	Full Name Of Inventor	Family Name KAWAMOTO	First Given Name Atsushi		Second Given Name	
	0	Residence & Citizenship	City Hiroshima-shi JPX	State or Foreign Country Hiroshima, Japan		Country of Citizenship Japan	
	1	Mailing Address	Address 4-12-5-3-301, Kameyama, Asakita-ku	City Hiroshiima-shi		State & Zip Code/Country Hiroshima 731-0231/ JAPAN	
	Signature of Inventor 201: Atsyshi Kawamoto			Date: February 22, 2005			
٥٥	2	Full Name Of Inventor	Family Name NAKAMOTO	First Given Name Hidetomo		Second Given Name	
	0 -	Residence & Citizenship	City Nerima-ku JPX	State or Foreign Country Tokyo, Japan		Country of Citizenship Japan	
	2 .	Mailing Address	Address 17-4, Hikawadai 2-chome	City Nerima-ku		State & Zip Code/Country Tokyo 179-0084/JAPAN	
	Signa	nture of Inventor 20	ventor 202: Hideromo Nakamoto			Date: January 27, 2005	
טע	2	Full Name Of Inventor	Family Name NISHIDA	First Given Name Eiichi		Second Given Name	
	.0	Residence & Citizenship	City Kitakyushu-shi \(\neq PX\)	State or Foreign Country Fukuoka, Japan		Country of Citizenship Japan	
	3	Mailing Address	Address 10-1-1104, Takami 2-chome, Yahatahigashi-ku	City Kitakyushu-shi		State & Zip Code/Country Fukuoka 805-0016/JAPAN	
	Signa	ignature of Inventor 203: Eiichi Nishi da			Date: JANUARY 13, 2005		

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